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210384US00
10/684,259
Art Unit: 1714IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James A. Solis et al.
Serial Number 10/684,259
Filed October 10, 2003
Examiner Joseph David Anthony
Group Art Unit 1714
For: PROCESS FOR SUBJECTING TO ACTINIC RADIATION AND
STORING AN OXYGEN SCAVENGER, AND A STORED OXYGEN
SCAVENGER

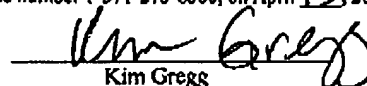
RESPONSE TO RESTRICTION REQUIREMENT
DATED MARCH 17, 2006

CERTIFICATE OF FACSIMILE
37 C.F.R. § 1.6(d)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being facsimile transmitted to Mail Stop
Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
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Kim Gregg

Sir:

This paper is submitted in response to the Restriction Requirement dated March 17, 2006, for which the one-month Shortened Statutory Period for reply is April 17, 2006.

The Applicants believe that no fee is due for filing this response. If any fee under 37 C.F.R. § § 1.16 to 1.21 is required for any reason, or should an overpayment be included herein, the Commissioner authorized to deduct or credit the fee from or to Deposit Account 50-1629.

In the Restriction Requirement, the Examiner stated that restriction was required to one of the following groups:

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| <u>Group</u> | <u>Claims</u> | <u>Drawn To:</u> |
|--------------|---------------|---|
| I | 1-27 | A method for activating an oxygen scavenger |
| II | 28-30 | A stored oxygen scavenger |

In response, Applicants elect to prosecute claims 1-27, i.e. the Group I claims. Applicants respectfully traverse the restriction requirement on two grounds.

First, section 803 of the MPEP states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, even though they include claims to independent or distinct inventions. (emphasis added)

Applicants respectfully submit that there is no undue burden on the Examiner to search and examine the Group I and Group II claims as each group contains a limitation directed to "an oxygen scavenger that has been subjected to actinic radiation at a dosage insufficient to trigger the oxygen scavenger." Applicants kindly request the reconsideration and withdrawal of the restriction requirement.


Second, Applicants are not aware of the use of the stored oxygen scavenger in the asserted materially different process of scavenging hydrogen gas. Applicants kindly request the substantiation of using the stored oxygen scavenger to scavenge hydrogen gas or the withdrawal of the restriction requirement.

The Examiner is invited to contact the undersigned patent attorney at (832) 813-4339 with any questions, comments or suggestions relating to the referenced patent application.

Date: April ^{4th} 13, 2006

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Respectfully submitted,


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